

Date: October 24, 2006

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Road Closing Petition P-823
Section: 26-54-40
SW 66 Street, from SW 69 Avenue West to the East Right-of-Way Line of Florida East
Coast Railway
Commission District: 7

Agenda Item No. 5 (F)

RECOMMENDATION

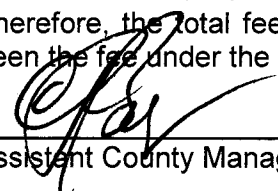
It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The Petitioner, Francisco A. Espinosa, wishes to close SW 66 Street, from SW 69 Avenue West to the East Right-of-Way line of Florida East Coast Railway, in order to incorporate it to their property to ensure the health, safety and welfare of surrounding residents and to enhance it with landscaping. The abutting property owner to the south has also joined in this Road Closing petition.

The subject right-of-way was dedicated in 1928, by the "REVISED PLAT OF PALM-MIAMI", recorded in Plat Book 28, Page 53; and in 1955, by the plat of "RAYBRELL ESTATES", recorded in Plat Book 61, Page 57, both of the Public Records of Miami-Dade County, Florida. Said plats contain reverter clauses which stipulate that the right-of-way reverts to the current owners of the abutting properties when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned EU-1 (Estates 1-Acre District).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$13.30 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$152,674. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$3,254 per year in additional property taxes. This petition was filed after October 1, 2004, when the County Commission approved the resolution which amended Administrative Order 4-114 by creating the two tier fee system for Road Closing Petitions. Therefore, the total fee for this road closing is \$16,067, instead of \$750.00 which would have been the fee under the previous AO 4-114 rules.


Assistant County Manager


Date

Honorable Chairman Joe A. Martinez
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Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one time, at least two weeks prior to the date of said public hearing in conformity with the statutory requirements.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 24, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(F)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 5(F)

Veto _____

10-24-06

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE SW
66 STREET, FROM SW 69 AVENUE WEST TO THE
EAST RIGHT-OF-WAY LINE OF FLORIDA EAST
COAST RAILWAY (ROAD CLOSING PETITION NO.
P-823)

WHEREAS, the County Commission held a public hearing to consider a petition to close SW 66 Street, from SW 69 Avenue West to the East Right-of-Way line of Florida East Coast Railway, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

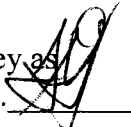
| | |
|-------------------------------|-------------------|
| Joe A. Martinez, Chairman | |
| Dennis C. Moss, Vice-Chairman | |
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Audrey M. Edmonson | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this
24th day of October, 2006. This resolution shall become effective ten (10) days after the
date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only
upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

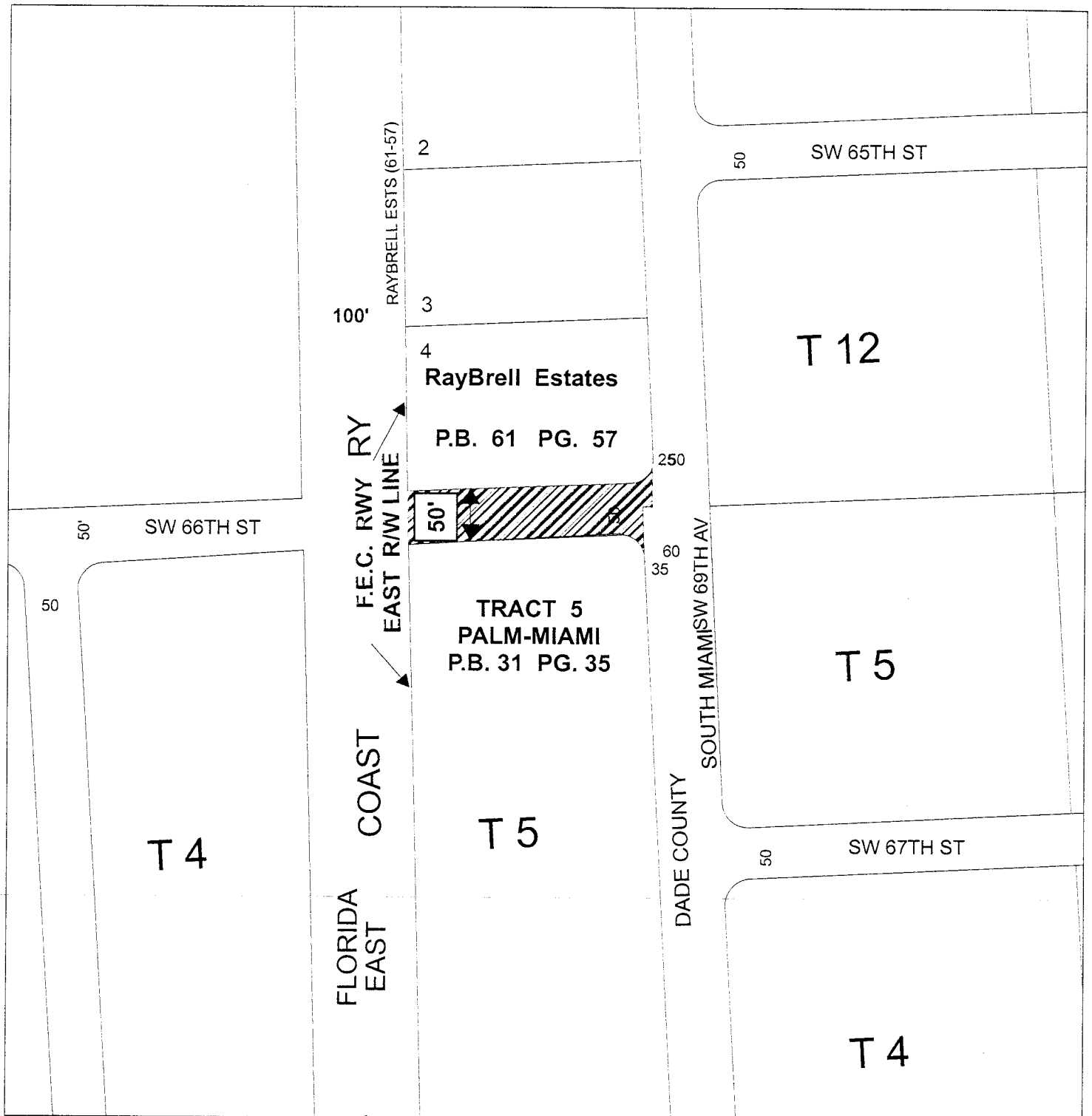
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

Thomas Goldstein

SECTION 26 TOWNSHIP 54 RANGE 40



Legend

- Road Closing
- Lot Lines

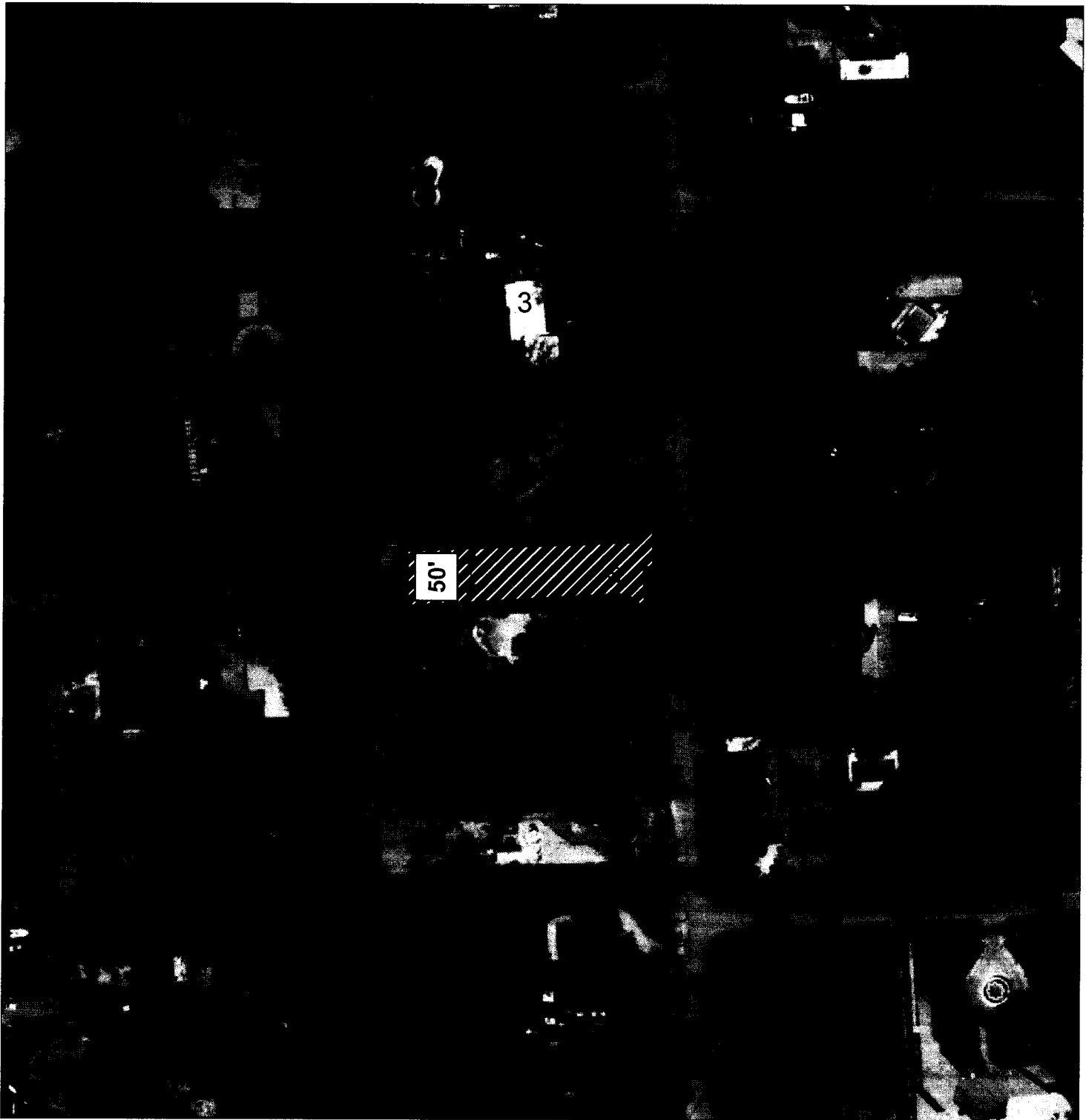
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Yazmin Moreno
Senior Cadastral Technician
April 28, 2006

SECTION 26 TOWNSHIP 54 RANGE 40



Legend

-  Road Closing
-  Lot Lines

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NORTH

Yazmin Moreno
Senior Cadastral Technician
April 28, 2006

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

That portion of SW 66th Street abutting Lot 4 of “RAYBRELL ESTATES”, as recorded in Plat Book 61, Page 57; and abutting Tract 5 of “AMENDED PLAT OF A PORTION OF PALM-MIAMI”, as recorded in Plat Book 31, Page 35, both of the Public Records of Miami-Dade County, Florida, describes as follows:

Commence at the northeast corner of said Lot 4; thence **S01°09'55"E 124.60** feet along the east line of said lot and the west right of way line of SW 69th Avenue to the beginning of a curve concave to the northwest having a radius of 25 feet, also being the **Point of Beginning**; thence southwesterly **39.67** feet along said curve through a central angle of **90°54'40"**; thence **S89°44'45"W 202.79** feet along the south line of said Lot 4 and the north line of SW 66th Street; thence **S01°02'06"W 50.01** feet along the east right of way line of the Florida East Coast Railway; thence **N89°44'45"E 195.54** feet to the beginning of a curve concave to the southwest having a radius of **25** feet; thence southeasterly **38.87** feet along said curve through a central angle of **89°04'33"** to a point of cusp; thence **N01°10'42"W 49.60** feet; thence **N89°44'45"E 10.01** feet; thence **N01°12'01"W 50.41** feet to the Point of Beginning.

2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

The south ½ was dedicated in 1928, by the REVISED PLAT OF PALM-MIAMI, recorded in Plat Book 28, Page 53, of the Public Records of Miami-Dade County, Florida.

The North ½ was dedicated in 1955, by "RAYBRELL ESTATES", recorded in Plat Book 61, Page 57, of the Public records of Miami-Dade County , Florida.

3. ATTACH SURVEY SKETCH: Attached hereto is a survey accurately showing and describing the above described right-of-way and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described right-of-way. These firms or individuals have been advised in writing of the proposed closure.

| PRINT NAME | FOLIO NO. | ADDRESS |
|--|------------------|----------------------------|
| Francisco A. Espinosa Francisco C. Espinosa | 30-4026-016-0040 | 6901 SW 66 St., Mia., Fl. |
| Christian P. Koop Jan W. Koop | 30-4026-013-0220 | 6604 SW 69 Ave., Mia., Fl. |

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

The Road in question, SW 66th Street, is a 50-foot wide dead end road that travels west from SW 69th Avenue and dead ends at the F.E.C. Railway right-of-way, which is parallel to SW 69th Avenue. It is imperative that the County close the Road to ensure the health, safety, and welfare of the surrounding residents. As noted in numerous Miami Herald articles (notably April 23, 2006, Page 6WK, and April 2, 2006, Page 1A), the F.E.C. Railway Right-of-way is infamous as a gathering place for Santeria worshippers and hoodlums alike. Late night trespassers raise major safety concerns to area residents. In addition, the illegal dumping of animal carcasses also raises major public health concerns. Upon the approval of the road vacation, the current owners of the abutting properties intend to extend their current property boundaries to include the Road and improve the properties with landscaping and other private amenities that will serve to increase property values in the neighborhood.

7. Signatures of all abutting property owners:

Respectfully submitted,

SIGNATURE

ADDRESS

[Signature]
[Signature]
[Signature]

6604 SW 69 AVE
6604 SW 69 AVE
6901 SW 69 AVE

Melissa Tapanes Llahues, Esq.

Attorney for Petitioners

Address:

Bercow & Radell, P.A.

200 South Biscayne Boulevard

Suite 850

Miami, Florida 33131

(signature of attorney not required)

STATE OF FLORIDA)

) SS

MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared he/she is one of the petitioners FRANCISCO A. ESPINOSA, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all, petitioner; that he/she has read the foregoing petition and that the statements therein contained and true.

[Signature]
(Signature of Petitioner)

Sworn and subscribed to before me this

3 day of April, 2006

[Signature]
Notary Public State of Florida at Large

My Commission Expires: May 2, 2009

